

### DETAILED ACTION

1. This action is in response to the papers filed January 27, 2000.
2. Currently, claims 1-4, 6-8 are allowed.

### *Notice of Rejoinder*

3. Claim 1 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 3-9, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on August 11, 2006 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

5. Authorization for this examiner's amendment was given in a telephone interview with Alan Townsley on May 7, 2008.

6. The application has been amended as follows:

A) Claim 2 has been amended to delete "at least" in line 2 and in line 5 and replace the "at least" with - - more than - - .

B) Claim 3 has been amended to delete "at least" in line 9 and in line 12 and replace the "at least" with - - more than - - .

C) Claim 3 has been further amended to delete "containing a further higher content percentage of artemisinin than either Artemisia annua parent plant".

D) Claim 4 has been amended to delete "at least" in line 2 and replace the "at least" with - - more than - - .

E) Claim 6 has been amended to delete "0.5 to 1.4" and replace the recitation with "0.8-1.16". The recitation is supported on page 11 of the specification.

F) Claim 9 has been cancelled.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeanine Goldberg whose telephone number is

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(571) 272-0743. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The Central Fax Number for official correspondence is (571) 273-8300.

**/Jeanine Goldberg/**

**Primary Examiner**

July 24, 2008